

Applicants and current certified operators must provide proof of citizenship or legal alien status along with the application to become a certified drinking water or wastewater operator.

In November, 2012, Montana voters adopted into law LR-121 which states that services provided by the state shall be granted to legal citizens of the United States. Below is the law as written in Montana Code Annotated (MCA). The bold and underlined statements directly affect the Montana Water and Wastewater Operator Certification program.

1-1-411. Certain state services denied to illegal aliens. (1) To the extent allowed by federal law and the Montana constitution and notwithstanding any other state law, a state agency may not provide a state service to an illegal alien and shall comply with the requirements of this section.

(2) To determine whether an applicant for a state service is an illegal alien, the agency may use the systematic alien verification for entitlements program provided by the United States department of homeland security or any other lawful method of making the determination.

(3) A state agency shall notify appropriate personnel in immigration and customs enforcement under the United States department of homeland security or its successor of any illegal alien applying for a state service.

(4) An agency shall require a person seeking a state service to provide proof of United States citizenship or legal alien status.

(5) A state agency shall execute any written agreement required by federal law to implement this section.

(6) As used in this section, the following definitions apply:

(a) "Agency" means a department, board, commission, committee, authority, or office of the legislative or executive branches of state government, including a unit of the Montana university system.

(b) "Illegal alien" means an individual who is not a citizen of the United States and who has unlawfully entered or remains unlawfully in the United States.

(c) "State service" means a payment of money, **the grant of a state license or permit**, or the provision of another valuable item or service under any of the following programs and provisions of law:

(i) employment with a state agency;

(ii) qualification as a student in the university system for the purposes of a public education, as provided in [20-25-502](#);

(iii) student financial assistance, as provided in Title 20, chapter 26;

(iv) issuance of a state license or permit to practice a trade or profession, as provided in Title 37;

(v) unemployment insurance benefits, as provided in Title 39, chapter 51;

(vi) vocational rehabilitation, as provided in Title 53, chapter 7;

(vii) services for victims of crime, as provided in Title 53, chapter 9;

(viii) services for the physically disabled, as provided in Title 53, chapter 19, parts 3 and 4;

(ix) a grant, as provided in Title 90.

History: En. Sec. 1, Ch. 308, L. 2011.

— Please submit legible photocopies not original documents —

A-LIST

ACCEPTABLE DOCUMENTS TO ESTABLISH U.S. CITIZENSHIP

A person who is a citizen of the United States as evidenced by one of the following:

1. A birth certificate issued in or by a city, county, state, or other governmental entity within the United States or its outlying possessions.

2. A U.S. Certificate of Birth Abroad (FS-545, DS-135) or a Report of Birth Abroad of a U.S. Citizen (FS-240).

3. A birth certificate or passport issued from:

A. Puerto Rico, on or after January 13, 1941.

B. Guam, on or after January 17, 1917.

C. U.S. Virgin Islands, on or after January 17, 1917.

D. Northern Mariana Islands, after November 4, 1986.

E. American Samoa.

F. Swain's Island

G. District of Columbia

4. A U.S. passport (expired or unexpired).

5. Certificate of Naturalization (N-550, N-57-, N-578).

6. Certificate of Citizenship (N-560, N-561, N-645).

7. U.S. Citizen Identification Card (I-179, I-197).

8. An individual Fee Register Receipt (Form-G-711) that shows that the person has filed an application for a New Naturalization or Citizenship Paper (Form N-565).

9. Any other acceptable document which establishes a U.S. place of birth or indicates U.S. citizenship.

B-LIST**ACCEPTABLE DOCUMENTS TO ESTABLISH ALIEN STATUS**

An alien lawfully admitted for permanent residence under the

Immigration and Naturalization Act (INA) must submit supporting

documentation to establish legal presence under one of the following categories:

1. An alien lawfully admitted for permanent residence under

the Immigration and Naturalization Act (INA). Evidence includes:

- INS Form I-551 (Alien Registration Receipt Card commonly known as a “green card”); or
- Unexpired Temporary I-551 stamp in foreign passport or on INS Form I-94.

2. An alien who is granted asylum under section 208 of the INA. Evidence includes:

- INS Form I-94 annotated with stamp showing grant of asylum under section 208 of the INA.
- INS Form I-688B (Employment Authorization Card) annotated “274a.12(a)(5)”
- INS Form I-766 (Employment Authorization Document) annotated :A5:

- Grant Letter from the Asylum Office of INS or
- Order of an immigration judge granting asylum.

3. A refugee admitted to the United States under section 207

of the INA. Evidence includes:

- INS Form I-94 annotated with stamp showing admission under s207 of the INA
- INS Form I-688B (Employment Authorization Card) annotated “274a.12(a)(3)”
- INS Form I-766 (Employment Authorization Document) annotated “A3”
- INS Form I-571 (Refugee Travel Document).

4. An alien paroled into the United States for at least one year under section 212(d)(5) of the INA. Evidence includes:

- INS Form I-94 with stamp showing admission for at least one year under Section 212(d)(5) of the INA.

5. An alien whose deportation is being withheld under section 243(h) of the INA (as in effect immediately prior to September 30, 1996) or Section 241(b)(3) of such Act (as amended by section 305(a) of division C of Public Law 104-208). Evidence includes:

- INS Form I-668B (Employment Authorization Card) annotated “274a.12(a)(10)”
- INS Form I-766 (Employment Authorization Document) annotated “A10” or
- Order from an immigration judge showing deportation withheld under s243(h) of the INA as in effect prior to April 1, 1997, or removal withheld under s241(b)(3) of the INA.

6. An alien who is granted conditional entry under section 203(a)(7) of the INA as in effect prior to April 1, 1980. Evidence includes:

- INS Form I-94 with stamp showing admission under s203(a)(7) of the INA
- INS Form I-688B (Employment Authorization Card) annotated “274a.12(a)(3)” or
- INS Form I-766 (Employment Authorization Document) annotated “A3”

7. An alien who is a Cuban or Haitian entrant (as defined in section 501(e) of the Refugee Education Assistance Act of 1980). Evidence includes:

- INS Form I-551 (Alien Registration Receipt Card, commonly known as a “green card”) with the code CU6, CU7, or CH6;
- Unexpired temporary I-551 stamp in foreign passport or on INS Form I-94 with code CU6 or CU7; or
- INS Form I-94 with stamp showing parole as “Cuba/ Haitian Entrant” under Section 212(d)(5) of the INA

8. An alien paroled into the United States for less than one year under section 212(d)(5) of the INA. Evidence includes:

- INS Form I-94 showing this status.

9. An alien who has been declared a battered alien.

Evidence

includes:

- INS petition and supporting documentation.

If you are mailing documentation, please send to:

MT DEQ WWOC

PO BOX 200901

HELENA MT 59620-0901